CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:		Force		Discourt.	☐ U.S.
Conor O'Shea		Squad #6	201808971	v	Abuse		O.L.	☐ Injury
Incident Date(s)		Location of Incident:		P	recinct:	18	Mo. SOL	EO SOL
Saturday, 10/27/2018 4:00 PM		§ 87(2)(b)			78	4/	27/2020	12/12/2020
Date/Time CV Reported		CV Reported At:	How CV Reported:	:	Date/Time	Rece	eived at CCF	RB
Sat, 10/27/2018 5:05 PM		CCRB	Call Processing System		Sat, 10/27/	2018	5:05 PM	
Complainant/Victim	Type	Home Addre	ss					
Witness(es)		Home Addre	ess					
Subject Officer(s)	Shield	TaxID	Command					
1. POF Diane Hopkins	25021	952861	078 PCT					
Witness Officer(s)	Shield N	Tax No	Cmd Name					
1. POF Diana Lopez	09250	939756	078 PCT					
Officer(s)	Allegation	on			Inve	stiga	tor Recon	nmendation
A.POF Diane Hopkins	Abuse: Police Officer Diane Hopkins threatened to arrest \$87(2)(6)							
B.POF Diane Hopkins	Abuse: Police Officer Diane Hopkins threatened to remove to the hospital.							

Case Summary

On October 27, 2018, §87(2)(b) filed this complaint over the phone via the CCRB's DIRAD call processing system.

On October 27, 2018, at approximately 4:00 p.m., Police Officer Diane Hopkins and Police Officer Diana Lopez, both of the 78th Precinct, responded to an on-going series of domestic disputes at in Brooklyn between some and her adult daughter, PO Hopkins allegedly told "Someone's going to jail today" (Allegation A: Abuse of Authority, Someone's going to jail today" PO Hopkins allegedly threatened to forcibly remove to the hospital if she continued calling 911 (Allegation B: Abuse of Authority, Someone's going to jail today" No arrest or summons resulted.

There is no video evidence in this case. As of October 27, 2018, the 78th Precinct had not yet begun participating in the body-worn camera (BWC) program.

Findings and Recommendations

Allegation A—Abuse of Authority: Police Officer Diane Hopkins threatened to arrest \$\frac{8}{270}\$. The following facts are undisputed. At the time of this incident, [87(2)(b)] lived at § in Brooklyn, on the ground floor. Her adult daughter, §87(2)(b) owned the building and lived on the first floor but also shared living space with \$87(2)(b) on the ground and § 87(2)(b) frequently had domestic disputes over missing or misplaced objects around their shared apartment. Officers from the 78th Precinct's Domestic Violence (DV) Unit frequently responded to such incidents. On October 27, 2018, at approximately 4:00 p.m., called the 78th Precinct's DV Office and asked to speak with PO Hopkins, with whom she had interacted previously and who was familiar with the §87(2)(b) family dynamic. PO Hopkins and PO Lopez responded shortly thereafter. § 87(2)(b) alleged to PO Hopkins that $\frac{8}{37(2)}$ had stolen small items around the apartment and had also previously pushed her, causing some injuries. PO Hopkins discussed \$87(2)(b) s allegations with her and then with and viewed a cell phone video of the prior incident. PO Hopkins believed that the cell phone video unfounded § 87(2)(b) s allegations against § 87(2)(b) property manager, § 87(2)(b) was also present. No arrest or summons resulted. There is no video or audio evidence of this incident, as PO Hopkins and PO Lopez did not have BWCs. (Board Review 01, 02) testified that, while PO Hopkins discussed this incident with her, PO Hopkins stated that "Somebody's going to jail today." provided a telephone statement (**Board Review 03**). After PO Hopkins viewed the cell phone video of the prior altercation, PO Hopkins informed \$87(2)(b) that her allegations of assault were, in fact, unfounded. This upset if she had proof of her allegations against \$\frac{\\$87(2)(b)}{}\$ PO Hopkins asked \$ 87(2) and she replied that she did not. PO Hopkins stated that the police "can't just arrest someone" based on an uncorroborated allegation. § 87(2)(b) did not remember if PO Hopkins threatened to arrest § 87(2)(b) during the ensuing argument. provided a telephone statement (**Board Review 04**). He did not remember this incident, seeing as officers respond to similar disputes approximately three to four times per week residence. PO Hopkins (**Board Review 05**) testified that she conducted an investigation of $\frac{8}{870}$) s allegations that § 87(2)(b) had pushed and injured her upon arrival at the apartment.

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s 87(2)(b) disputed s 87(2)(b) s account of what happened, and showed PO Hopkins a	
video that apparently unfounded § 87(2)(b) s allegations. PO Hopkins determined that there	was
no probable cause to arrest anyone. PO Hopkins told §87(2)(b) that, based on her initial	
allegations against \$87(2)(b) the police "would have to arrest \$87(2)(b) if what \$37(2)(b)	(2)
§ 87(2)(b) was saying was true, and then asked § 87(2)(b) if she was sure that § 87(2)(b)	
assaulted her. §87(2)(b) reiterated her prior allegations. PO Hopkins denied saying,	
"Somebody's going to jail today." PO Hopkins' statement about possibly arresting \$87(2)(b)	
was only a hypothetical statement of fact, to the effect of, "If what you're telling me is true, w	e
would have to arrest her," based on \$87(2)(b) s complaint of the alleged assault.	
PO Lopez (Board Review 06) testified that she did not remember any specific jobs to	
which she responded on October 27, 2018, and only remembered going to various home visits	•
with PO Hopkins. PO Lopez did not remember any specifics of this incident. NVPD Potrol Guide Procedure 208 01 (Popul Poviny 07) outborizes NVPD officers	to
NYPD Patrol Guide Procedure 208-01 (Board Review 07) authorizes NYPD officers make a warrantless arrest if they have probable cause to believe that any offense was committee.	
in their presence, or if they have probable cause to believe that a crime was committed in gene	
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Allegation B—Abuse of Authority: Police Officer Diane Hopkins threatened to remove	
§ 87(2)(b) to the hospital.	7/2)
The following facts are undisputed. §87(2)(6) is a hoarder, and her ground floor	
apartment was filled with clutter, including Amazon boxes and other personal items (Board	
Review 08). Due to the clutter, there was an approximately one- to two-feet wide walkway	
through the ground floor apartment. Officers frequently responded to \$87(2)(b) s apartment	to
handle domestic disputes between her and \$87(2)(6) and had prepared several Domestic	
Incident Reports (DIRs) for similar disputes in the weeks preceding this incident (Board Revi	iew
09). PO Hopkins advised §87(2)(b) to file a request with a judge to have a mental hygiene	e
warrant issued for §87(2)(b) did not go to the hospital.	
(Board Review 01, 02) testified that PO Hopkins instructed her to stop	
calling 911 for such "petty" disputes, and threatened to forcibly remove her to the hospital if s	he
continued doing so.	
provided a telephone statement (Board Review 03). PO Hopkins offer	ed
to bring \$87(2)(b) to the hospital, if she wanted to go, for the injuries she alleged that	
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refused to go to the hospital. The only conversation about a mental evaluation that \$\frac{87(2)(b)}{2}\$ remembered occurring was in the context of PO Hopkins advising to get a mental hygiene warrant for \$\frac{87(2)(b)}{2}\$ so she did not remember whether PO Hopkins threatened to forcibly remove \$\frac{87(2)(b)}{2}\$ to the hospital. \$\frac{87(2)(b)}{2}\$ provided a telephone statement (Board Review 04). He did not remember this incident, seeing as officers respond to similar disputes approximately three to four times per weel at \$\frac{87(2)(b)}{2}\$ residence.	s
PO Hopkins (Board Review 05) denied threatening to forcibly remove to the hospital in general, or threatening to do so if saz(2)(b) continued calling 911 for small family disputes in particular. PO Hopkins did not believe that saz(2)(b) was a danger to herself or others, but rather that she lived uncleanly and needed some unspecified form of medical help. PO Hopkins was unable to specify what, exactly, she thought was wrong with saz(2)(b) aside from her hoarding condition and apparent obesity. PO Lopez (Board Review 06) testified that she did not remember any specific jobs to which she responded on October 27, 2018, and only remembered going to home visits with PO Hopkins. PO Lopez did not remember any specifics of this incident. NYPD Patrol Guide Procedure 221-13 (Board Review 10) requires that members of service take into protective custody and remove to the hospital any individual that a member of service reasonably believes is an Emotionally Disturbed Person (EDP), the definition of which is twofold, and applies only if a person both appears "mentally ill or emotionally disturbed" and "is conducting [herself] in a manner likely to result in a serious injury to [herself] or others."	1
§ 87(2)(g)	
• Ser(2)(b) has been a party to three other CCRB complaints and has been named as a victim in two other allegations (Board Review 11): • Ser(2)(b)	
• PO Hopkins has been a member of service for seven years and named a subject officer in one other CCRB complaint and one other allegation, which was not substantiated.	I
 Mediation, Civil and Criminal Histories Ser(2)(b) declined to mediate this complaint. According to the New York City Office of the Comptroller, Ser(2)(b) had not filed a Notice of Claim regarding this incident as of October 23, 2019 (Board Review 12). 	

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● [§ 87(2)(b)] [§	§ 86(1)(3)&(4)] [§ 87(2)(c)]		
Squad No.: #	<u>‡06</u>		
Investigator: _	Signature	Investigator Conor O'Shea Print Title & Name	Date
Squad Leader: _	Signature	Inv. Manager Jessica Peña Print Title & Name	Date
Reviewer: _	Signature	Print Title & Name	Date